

(Pub. L. 95–87, title II, §201, Aug. 3, 1977, 91 Stat. 449; Pub. L. 95–240, title I, §100, Mar. 7, 1978, 92 Stat. 109; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96–511, §4(b), Dec. 11, 1980, 94 Stat. 2826.)

#### REFERENCES IN TEXT

The Federal Coal Mine Health and Safety Act of 1969, referred to in subsecs. (b) and (d), is Pub. L. 91–173, Dec. 30, 1969, 83 Stat. 742, as amended, which was redesignated the Federal Mine Safety and Health Act of 1977 by Pub. L. 95–164, title I, §101, Nov. 9, 1977, 91 Stat. 1290, and is classified principally to chapter 22 (§801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

#### AMENDMENTS

1980—Subsec. (e). Pub. L. 96–511 struck subsec. (e) which provided for consideration of Office of Surface Mining Reclamation and Enforcement as an independent Federal regulatory agency. See section 3502(10) of Title 44, Public Printing and Documents.

1978—Subsec. (b). Pub. L. 95–240 substituted “V” for “IV”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–511 effective Apr. 1, 1981, see section 5 of Pub. L. 96–511, set out as a note under section 2904 of Title 44, Public Printing and Documents.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (f) of this section relating to requirement to report to Congress on actions taken and not taken under subsec. (f), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 109 of House Document No. 103–7.

#### TRANSFER OF FUNCTIONS

“The Director of the Office of Personnel Management” substituted for “a majority of members of the Civil Service Commission” in subsec. (b) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

#### REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

#### TRAVEL AND PER DIEM EXPENSES

Pub. L. 100–446, title I, Sept. 27, 1988, 102 Stat. 1793, provided: “That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may, hereafter, provide for the travel and per diem expenses of State and tribal personnel attending OSMRE sponsored training”.

Similar provisions were contained in the following appropriations acts:

Pub. L. 111–88, div. A, title I, Oct. 30, 2009, 123 Stat. 2915.

Pub. L. 111–8, div. E, title I, Mar. 11, 2009, 123 Stat. 712.

Pub. L. 110–161, div. F, title I, Dec. 26, 2007, 121 Stat. 2109.

Pub. L. 109–54, title I, Aug. 2, 2005, 119 Stat. 512.

Pub. L. 108–447, div. E, title I, Dec. 8, 2004, 118 Stat. 3054.

Pub. L. 108–108, title I, Nov. 10, 2003, 117 Stat. 1256.

Pub. L. 108–7, div. F, title I, Feb. 20, 2003, 117 Stat. 230.

Pub. L. 107–63, title I, Nov. 5, 2001, 115 Stat. 429.

Pub. L. 106–291, title I, Oct. 11, 2000, 114 Stat. 933.

Pub. L. 106–113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A–147.

Pub. L. 105–277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–244.

Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1553.

Pub. L. 104–208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–191.

Pub. L. 104–134, title I, §101(c) [title I], Apr. 26, 1996, 110 Stat. 1321–156, 1321–168; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–332, title I, Sept. 30, 1994, 108 Stat. 2510.

Pub. L. 103–138, title I, Nov. 11, 1993, 107 Stat. 1389.

Pub. L. 102–381, title I, Oct. 5, 1992, 106 Stat. 1387.

Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 1002.

Pub. L. 101–512, title I, Nov. 5, 1990, 104 Stat. 1927.

Pub. L. 101–121, title I, Oct. 23, 1989, 103 Stat. 712.

### SUBCHAPTER III—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

#### CODIFICATION

Subchapter was not enacted as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

### § 1221. Authorization of State allotments to institutes

(a)(1) There are authorized to be appropriated to the Secretary of the Interior (hereafter in this subchapter referred to as the “Secretary”) funds adequate to provide for each participating State \$400,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute or center (hereafter in this subchapter referred to as the “institute”) at one public college or university in the State which meets the eligibility criteria established in section 1230 of this title.

(2)(A) Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than 2 non-Federal dollars for each Federal dollar.

(B) If there is more than one such eligible college or university in a State, funds appropriated under this subchapter shall, in the absence of a designation to the contrary by act of the legislature of the State, be granted to one such college or university designated by the Governor of the State.

(C) Where a State does not have a public college or university eligible under section 1230 of this title, the Committee on Mining and Mineral Resources Research established in section 1229 of this title (hereafter in this subchapter referred to as the “Committee”) may allocate the State’s allotment to one private college or university which it determines to be eligible under such section.

(b) It shall be the duty of each institute to plan and conduct, or arrange for a component or components of the college or university with which it is affiliated to conduct research, inves-

tigations, demonstrations, and experiments of either, or both, a basic or practical nature in relation to mining and mineral resources, and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. The subject of such research, investigation, demonstration, experiment, and training may include exploration; extraction; processing; development; production of fuel and nonfuel mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation. Such research, investigation, demonstration, experiment and training shall consider the interrelationship with the natural environment, the varying conditions and needs of the respective States, and mining and mineral resources research projects being conducted by agencies of the Federal and State governments and other institutes.

(Pub. L. 98-409, §1, Aug. 29, 1984, 98 Stat. 1536; Pub. L. 100-483, §§2-4, Oct. 12, 1988, 102 Stat. 2339.)

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1221, Pub. L. 95-87, title III, §301, Aug. 3, 1977, 91 Stat. 451, contained provisions similar to this section covering fiscal years 1978 through 1984.

#### AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100-483, §2, substituted “\$400,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994” for “\$300,000 for the fiscal year ending September 30, 1985, and \$400,000 to each participating State for each fiscal year thereafter for a total of five years”.

Subsec. (a)(2)(A). Pub. L. 100-483, §3, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, and no less than two non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989.”

Subsec. (b). Pub. L. 100-483, §4, substituted “production of fuel and nonfuel mineral resources” for “production of mineral resources”.

#### SHORT TITLE

For short title of Pub. L. 98-409, which enacted this subchapter, as the Mining and Mineral Resources Institutes Act, see section 11 of Pub. L. 98-409, as amended, set out as a note under section 1201 of this title.

### § 1222. Research funds to institutes

#### (a) Authorization of appropriations

There is authorized to be appropriated to the Secretary not more than \$15,000,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, which shall remain available until expended. Such funds when ap-

propriated shall be made available to an institute or to institutes participating in a generic mineral technology center to meet the necessary expenses for purposes of—

(1) specific mineral research and demonstration projects of broad application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes; and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which are deemed by the Committee to be desirable and are not otherwise being studied.

There is authorized to be appropriated to the Secretary not more than \$1,800,000 for each of the fiscal years after fiscal year 1996 to be made available by the Secretary to an institute or institutes experienced in investigating the continental shelf regions of the United States, the deep seabed and near shore environments of islands, and the Arctic and cold water regions as a source for nonfuel minerals. Such funds are to be used by the institute or institutes to assist in developing domestic technological capabilities required for the location of, and the efficient and environmentally sound recovery of, minerals (other than oil and gas) from the Nation's shallow and deep seabed.

#### (b) Application for funds; contents

Each application for funds under subsection (a) of this section shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifications of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or State concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will provide opportunity for the training of mining and mineral engineers and scientists; and the extent of participation by nongovernmental sources in the project.

#### (c) Research facilities; selection of institutes; designation of funds for scholarships and fellowships

The Committee shall review all such funding applications and recommend to the Secretary the use of the institutes, insofar as practicable, to perform special research. Recommendations shall be made without regard to the race, religion, or sex of the personnel who will conduct and direct the research, and on the basis of the facilities available in relation to the particular needs of the research project; special geographic, geologic, or climatic conditions within the immediate vicinity of the institute; any other special requirements of the research project; and the extent to which such project will provide an opportunity for training individuals as mineral engineers and scientists. The Committee shall recommend to the Secretary the designation and utilization of such portions of the funds authorized to be appropriated by this section as it deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

**(d) Requirements for receipt of funds**

No funds shall be made available under subsection (a) of this section except for a project approved by the Secretary and all funds shall be made available upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

**(e) Restriction on application of funds**

No funds made available under this section shall be applied to the acquisition by purchase or lease of any land or interests therein, or the rental, purchase, construction, preservation, or repair of any building.

(Pub. L. 98-409, §2, Aug. 29, 1984, 98 Stat. 1537; Pub. L. 100-483, §5, Oct. 12, 1988, 102 Stat. 2339; Pub. L. 104-312, §1(a), Oct. 19, 1996, 110 Stat. 3819.)

## CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

## PRIOR PROVISIONS

A prior section 1222, Pub. L. 95-87, title III, §302, Aug. 3, 1977, 91 Stat. 452, contained provisions similar to this section covering fiscal years 1978 through 1984.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-312 inserted at end “There is authorized to be appropriated to the Secretary not more than \$1,800,000 for each of the fiscal years after fiscal year 1996 to be made available by the Secretary to an institute or institutes experienced in investigating the continental shelf regions of the United States, the deep seabed and near shore environments of islands, and the Arctic and cold water regions as a source for nonfuel minerals. Such funds are to be used by the institute or institutes to assist in developing domestic technological capabilities required for the location of, and the efficient and environmentally sound recovery of, minerals (other than oil and gas) from the Nation’s shallow and deep seabed.”

1988—Subsec. (a). Pub. L. 100-483, in introductory provisions, substituted “not more than \$15,000,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994” for “\$10,000,000 for the fiscal year ending September 30, 1985. This amount shall be increased by \$1,000,000 for each fiscal year thereafter for four additional years” and “an institute or to institutes participating in a generic mineral technology center” for “institutes”.

**§ 1223. Funding criteria**

(a) Funds available to institutes under sections 1221 and 1222 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall—

(1) set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

(2) set forth policies and procedures which assure that Federal funds made available under this subchapter for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the ab-

sence of such Federal funds, be made available for purposes of this subchapter, and in no case supplant such funds; and

(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this subchapter and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this subchapter during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

If any of the funds received by the authorized receiving officer of any institute under the provisions of this subchapter shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) The institutes are authorized and encouraged to plan and conduct programs under this subchapter in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved. Moneys appropriated pursuant to this subchapter shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

(Pub. L. 98-409, §3, Aug. 29, 1984, 98 Stat. 1538.)

## CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

## PRIOR PROVISIONS

A prior section 1223, Pub. L. 95-87, title III, §303, Aug. 3, 1977, 91 Stat. 453, contained provisions similar to this section covering fiscal years 1978 through 1984.

**§ 1224. Duties of Secretary****(a) Consulting with other agencies; prescribing rules and regulations; furnishing advice and assistance; coordinating research**

The Secretary, acting through the Director of the United States Bureau of Mines, shall administer this subchapter and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this subchapter, shall participate in coordinating research initiated under this subchapter by the institutes, shall indicate to them such lines of inquiry that seem most important, and shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

**(b) Annual ascertainment of compliance**

On or before the first day of July in each year beginning after August 29, 1984, the Secretary

shall ascertain whether the requirements of section 1223(a) of this title have been met as to each institute and State.

(Pub. L. 98-409, §4, Aug. 29, 1984, 98 Stat. 1538; Pub. L. 100-483, §6, Oct. 12, 1988, 102 Stat. 2340; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

#### CODIFICATION

Subsec. (c) of this section, which required the Secretary to make an annual report to Congress on the receipts, expenditures, and work of the institutes in all States under the provisions of this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 109 of House Document No. 103-7.

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1224, Pub. L. 95-87, title III, §304, Aug. 3, 1977, 91 Stat. 454, contained provisions similar to this section covering fiscal years 1978 through 1984.

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-483 inserted “, acting through the Director of the Bureau of Mines,” after “The Secretary”.

#### CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (a) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

### § 1225. Effect on colleges and universities

Nothing in this subchapter shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this subchapter shall in any way be construed to authorize Federal control or direction of education at any college or university.

(Pub. L. 98-409, §5, Aug. 29, 1984, 98 Stat. 1539.)

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1225, Pub. L. 95-87, title III, §305, Aug. 3, 1977, 91 Stat. 454, contained provisions similar to this section covering fiscal years 1978 through 1984.

### § 1226. Research

#### (a) Coordination with existing programs; availability of information to public

The Secretary shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources, of State and local governments, and of private institutions and individuals to assure that the programs authorized by

this subchapter will supplement and not be redundant with respect to established mining and minerals research programs, and to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of mining and minerals research, with due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this subchapter, in addition to any direct publication of information by the institutes themselves.

#### (b) Effect on Federal agencies

Nothing in this subchapter is intended to give or shall be construed as giving the Secretary any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

#### (c) Availability of results to public

No research, demonstration, or experiment shall be carried out under this subchapter by an institute financed by grants under this subchapter, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, are made available promptly to the general public. Patentable inventions shall be governed by the provisions of Public Law 96-517. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent.

#### (d) Authorization of appropriations

(1) There is authorized to be appropriated to the Secretary \$450,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, to administer this subchapter. No funds may be withheld by the Secretary for administrative expenses from those authorized to be appropriated by sections 1221 and 1222 of this title.

(2) There are authorized to be appropriated to the Secretary such sums as are necessary for the printing and publishing of the results of activities carried out by institutes and generic mineral technology centers under this subchapter, but such appropriations shall not exceed \$550,000 in any single fiscal year.

(Pub. L. 98-409, §6, Aug. 29, 1984, 98 Stat. 1539; Pub. L. 100-483, §7, Oct. 12, 1988, 102 Stat. 2340.)

#### REFERENCES IN TEXT

Public Law 96-517, referred to in subsec. (c), is Pub. L. 96-517, Dec. 12, 1980, 94 Stat. 3015. Section 6(a) of Pub. L. 96-517, relating to patent rights in inventions made with Federal assistance, is classified to chapter 18 (§200 et seq.) of Title 35, Patents. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

## PRIOR PROVISIONS

A prior section 1226, Pub. L. 95-87, title III, §306, Aug. 3, 1977, 91 Stat. 454, contained provisions similar to this section covering fiscal years 1978 through 1984.

## AMENDMENTS

1988—Subsec. (d). Pub. L. 100-483 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “There are authorized to be appropriated after September 30, 1984, such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under this subchapter and for administrative planning and direction, but such appropriations shall not exceed \$1,000,000 in any single fiscal year.”

**§ 1227. Center for cataloging**

The Secretary shall establish a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as may make such information available.

(Pub. L. 98-409, §7, Aug. 29, 1984, 98 Stat. 1540.)

## CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

## PRIOR PROVISIONS

A prior section 1227, Pub. L. 95-87, title III, §307, Aug. 3, 1977, 91 Stat. 455, contained provisions similar to this section covering fiscal years 1978 through 1984.

**§ 1228. Interagency cooperation**

The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this subchapter. Such coordination shall include—

- (1) continuing review of the adequacy of the Government-wide program in mining and mineral resources research;
- (2) identification and elimination of duplication and overlap between agency programs;
- (3) identification of technical needs in various mining and mineral resources research categories;
- (4) recommendations with respect to allocation of technical effort among Federal agencies;
- (5) review of technical manpower needs, and findings concerning management policies to improve the quality of the Government-wide research effort; and
- (6) actions to facilitate interagency communication at management levels.

(Pub. L. 98-409, §8, Aug. 29, 1984, 98 Stat. 1540.)

## CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

## PRIOR PROVISIONS

A prior section 1228, Pub. L. 95-87, title III, §308, Aug. 3, 1977, 91 Stat. 455, contained provisions similar to this section covering fiscal years 1978 through 1984.

**§ 1229. Committee on Mining and Mineral Resources Research****(a) Appointment; composition**

The Secretary shall appoint a Committee on Mining and Mineral Resources Research composed of—

- (1) the Assistant Secretary of the Interior responsible for minerals and mining research, or his delegate;
- (2) the Director, United States Bureau of Mines, or his delegate;
- (3) the Director, United States Geological Survey, or his delegate;
- (4) the Director of the National Science Foundation, or his delegate;
- (5) the President, National Academy of Sciences, or his delegate;
- (6) the President, National Academy of Engineering, or his delegate; and
- (7) not more than 7 other persons who are knowledgeable in the fields of mining and mineral resources research, including two university administrators involved in the conduct of programs authorized by this subchapter, 3 representatives from the mining industry, a working miner, and a representative from the conservation community. In making these 7 appointments, the Secretary shall consult with interested groups.

**(b) Consultation and recommendations**

The Committee shall consult with, and make recommendations to, the Secretary on all matters relating to mining and mineral resources research and the determinations that are required to be made under this subchapter. The Secretary shall consult with, and consider recommendations of, such Committee in such matters.

**(c) Compensation, travel, subsistence and related expenses**

Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including travel-time) during which they are performing Committee business, paid at a rate fixed by the Secretary but not<sup>1</sup> excess of the daily equivalent of the maximum rate of pay for grade GS-18 of the General Schedule under section 5332 of title 5, and shall be fully reimbursed for travel, subsistence, and related expenses.

**(d) Chairmanship of Committee**

The Committee shall be jointly chaired by the Assistant Secretary of the Interior responsible for minerals and mining and a person to be elected by the Committee from among the members referred to in paragraphs (5), (6), and (7) of subsection (a) of this section.

<sup>1</sup> So in original. Probably should be followed by “in”.

**(e) National plan for research**

The Committee shall develop a national plan for research in mining and mineral resources, considering ongoing efforts in the universities, the Federal Government, and the private sector, and shall formulate and recommend a program to implement the plan utilizing resources provided for under this subchapter. The Committee shall submit such plan to the Secretary, the President, and the Congress on or before March 1, 1986, and shall submit an annual update of such plan by January 15 of each calendar year.

**(f) Application of Federal Advisory Committee Act**

Section 10 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(Pub. L. 98-409, §9, Aug. 29, 1984, 98 Stat. 1540; Pub. L. 100-483, §§8, 9, Oct. 12, 1988, 102 Stat. 2340; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

**REFERENCES IN TEXT**

Section 10 of the Federal Advisory Committee Act, referred to in subsec. (f), is section 10 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

**CODIFICATION**

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

**PRIOR PROVISIONS**

A prior section 1229, Pub. L. 95-87, title III, §309, Aug. 3, 1977, 91 Stat. 455, contained provisions similar to this section covering fiscal years 1978 through 1984.

**AMENDMENTS**

1988—Subsec. (a)(7). Pub. L. 100-483, §8, substituted “7 other persons” for “six other persons”, “this subchapter, 3” for “section 301 of the Surface Mining Control and Reclamation Act of 1977, two”, and “7 appointments” for “six appointments”.

Subsec. (e). Pub. L. 100-483, §9, substituted “submit an annual update of such plan by January 15 of each calendar year” for “update the plan annually thereafter”.

**CHANGE OF NAME**

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (a)(2) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of provisions in subsec. (e) of this section relating to the requirement to submit annual updates of the national plan to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 157 of House Document No. 103-7.

**REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES**

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)]

of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**REPORTS**

Section 11 of Pub. L. 100-483 directed Committee on Mining and Mineral Resources Research to submit a report to Congress by Jan. 15, 1992, on programs established under this subchapter, including reviews of activities of the institutes and generic mineral technology centers established under this subchapter, each institute's and center's eligibility pursuant to section 1230 of this title, and recommendations on establishing new generic mineral technology centers, as well as phasing out or consolidating existing centers, and further directed Committee to submit to Congress, by Jan. 15, 1990, a proposal to establish a Generic Mineral Technology Center on Strategic and Critical Minerals.

**§ 1230. Eligibility criteria**

(a) The Committee shall determine the eligibility of a college or university to participate as a mining and mineral resources research institute under this subchapter using criteria which include—

(1) the presence of a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement;

(2) evidence of institutional commitment for the purposes of this subchapter;

(3) evidence that such institution has or can obtain significant industrial cooperation in activities within the scope of this subchapter; and

(4) the presence of an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or evidence of equivalent institutional capability as determined by the Committee.

(b)(1) Notwithstanding the provisions of subsection (a) of this section, those colleges or universities which, on October 12, 1988, have a mining or mineral resources research institute program which has been found to be eligible pursuant to this subchapter shall continue to be eligible subject to review at least once during the period authorized by the Mining and Mineral Resources Research Institute Amendments of 1988, under the provisions of subsection (a) of this section. The results of such review shall be submitted by January 15, 1992, pursuant to section 11(a)(2) of the Mining and Mineral Resources Research Institute Amendments of 1988.

(2) Generic mineral technology centers established by the Secretary under this subchapter are to be composed of institutes eligible pursuant to subsection (a) of this section. Existing generic mineral technology centers shall continue to be eligible under this subchapter subject to at least one review prior to January 15, 1992, pursuant to section 11(a)(3) of the Mining and Mineral Resources Research Institute Amendments of 1988.

(Pub. L. 98-409, §10, Aug. 29, 1984, 98 Stat. 1541; Pub. L. 100-483, §10, Oct. 12, 1988, 102 Stat. 2340.)

**REFERENCES IN TEXT**

The Mining and Mineral Resources Research Institute Amendments of 1988, referred to in subsec. (b), is Pub. L. 100-483, Oct. 12, 1988, 102 Stat. 2339. Section

11(a)(2) and (3) of the Mining and Mineral Resources Research Institute Amendments of 1988 is set out as a note under section 1229 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 1201 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### AMENDMENTS

1988—Subsec. (b). Pub. L. 100-483 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Notwithstanding the provisions of subsection (a) of this section, those colleges or universities which, on August 29, 1984, have a mining or mineral resources research institute program which has been found to be eligible pursuant to title III of the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445) shall continue to be eligible pursuant to this subchapter for a period of four fiscal years beginning October 1, 1984.”

### § 1230a. Strategic Resources Generic Mineral Technology Center

#### (a) Establishment

The Secretary of<sup>1</sup> Interior is authorized and directed to establish a Strategic Resources Mineral Technology Center (hereinafter referred to as the “center”) for the purpose of improving existing, and developing new, technologies that will decrease the dependence of the United States on supplies of strategic and critical minerals.

#### (b) Functions

The center shall—

- (1) provide for studies and technology development in the areas of mineral extraction and refining processes, product substitution and conservation of mineral resources through recycling and advanced processing and fabrication methods;
- (2) identify new deposits of strategic and critical mineral resources; and
- (3) facilitate the transfer of information, studies, and technologies developed by the center to the private sector.

#### (c) Criteria

The Secretary shall establish the center referred to in subsection (a) of this section at a university that—

- (1) does not currently host a generic mineral technology center;
- (2) has established advanced degree programs in geology and geological engineering, and metallurgical and mining engineering;
- (3) has expertise in materials and advanced processing research; and
- (4) is located west of the 100th meridian.

#### (d) Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 98-409, §12, as added Pub. L. 101-498, §2, Nov. 2, 1990, 104 Stat. 1207.)

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not

as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

### SUBCHAPTER IV—ABANDONED MINE RECLAMATIONS

#### § 1231. Abandoned Mine Reclamation Fund

##### (a) Establishment; administration; State funds

There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the “fund”) which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated by grants from this subchapter shall be established by each State pursuant to an approved State program.

##### (b) Sources of deposits to fund

The fund shall consist of amounts deposited in the fund, from time to time derived from—

- (1) the reclamation fees levied under section 1232 of this title;
- (2) any user charge imposed on or for land reclaimed pursuant to this subchapter after expenditures for maintenance have been deducted;
- (3) donations by persons, corporations, associations, and foundations for the purposes of this subchapter;
- (4) recovered moneys as provided for in this subchapter; and
- (5) interest credited to the fund under subsection (e) of this section.

##### (c) Use of moneys

Moneys in the fund may be used for the following purposes:

- (1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; prevention, abatement, and control of coal mine subsidence; and establishment of self-sustaining, individual State administered programs to insure private property against damages caused by land subsidence resulting from underground coal mining in those States which have reclamation plans approved in accordance with section 1253 of this title: *Provided*, That funds used for this purpose shall not exceed \$3,000,000 of the funds made available to any State under section 1232(g)(1) of this title;
- (2) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 1239 of this title;
- (3) acquisition of land as provided for in this subchapter;
- (4) enforcement and collection of the reclamation fee provided for in section 1232 of this title;

<sup>1</sup> So in original. Probably should be “of the”.